

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA	§	
	§	
vs.	§	Case No. 4:03cr84
	§	(Judge Schell)
JASON REX WEAVER (12)	§	

REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on November 8, 2012, to determine whether Defendant violated his supervised release. Defendant was represented by Denise Benson. The Government was represented by Maureen Smith.

On January 5, 2004, Defendant was sentenced by the Honorable Richard A. Schell to one hundred and twenty (120) months' custody followed by five (5) years of supervised release for the offense of Conspiracy to Manufacture, Distribute or Possess with Intent to Manufacture, Distribute or Dispense Methamphetamine. After a downward departure, Defendant was re-sentenced to eighty (80) months' custody followed by five (5) years supervised release. On April 2, 2010, Defendant completed his period of imprisonment and began service of his supervised term.

On July 25, 2012, the U.S. Probation Officer executed a Second Amended Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated various mandatory, standard, and special conditions. Violation allegations one, two, three, six, seven, and eight were dismissed by the Government. The petition also alleged violation of the following additional mandatory conditions: (1) the defendant shall not commit another federal, state, or local crime; and (2) the defendant shall refrain from any unlawful use of a controlled substance.

The petition alleges that Defendant committed the following acts with regard to the remaining violations: (1) On May 6, 2012, Defendant was arrested by the Sanger, Texas, Police Department for the offense of Unauthorized Use of a Vehicle; and (2) On November 29, 2011, Defendant submitted a urine specimen at the U.S. Probation Officer, Plano, Texas, which confirmed positive for D-Methamphetamine 95%. Additionally, on that date, Defendant admitted in writing to using methamphetamine for five consecutive days in October 2011.

Prior to the Government putting on its case, Defendant entered a plea of true to the remaining violations.

RECOMMENDATION

The Court recommends that the District Judge revoke Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of eighteen (18) months, to be served consecutively to any sentence of imprisonment that the Defendant is serving, with no supervised release to follow.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant and the Government also waived their right to file objections.

SIGNED this 8th day of November, 2012.


AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE